

This listing of claims will replace all prior versions, and listings, of claims in the application:

**Listing of Claims:**

1. (Currently Amended) A surgical instrumentation system to provide a surgical approach to a patient's spine, comprising:

a frame including a first portion lying in a first plane and a second portion lying in a second plane, said second plane forming an angle with said first plane; and

a number of retractors attached to the a frame, at least one of said retractors being attached to said first portion of said frame and extending transversely to said first plane and at least one other of said retractors being attached to said second portion of said frame and extending transversely to said second plane, wherein said first and second portions of said frame each include a recess to receive clamping devices coupled to respective ones of said retractors, said clamping devices each including a foot with a pair of arms located on opposite sides of said frame and each including a receptacle defined between said pair of arms for receiving said frame between said pair of arms with said clamping devices being slideable from said respective recess along a respective one of said first and second portions of said frame for attachment to said respective portion of said frame at a selected position therealong spaced from said recess.

2. (Currently amended) The system of claim 1, wherein said frame includes an undercut portion extending therealong, and at least one of said pair of arms of said clamping devices includes a recessed undercut portion shaped to receive said undercut portion of said frame to prevent said clamping devices from pivoting relative to said frame.

3. (Previously Presented) The system of claim 2, wherein said frame forms an oval shape.

4. (Previously Presented) The system of claim 2, wherein said frame includes first and second members, said first member lying in said first plane and including said at least one retractor attached thereto, said second member lying in said second plane and including said at least one other of said retractors attached thereto.

5. (Currently amended) The system of claim 4, wherein said frame further comprises a third member and a fourth member extending generally parallel to one another and between said first and second members, said at least a portion of said third and fourth members lying in said first plane, and further comprising a distractor mechanisms respectively attached to each of said third and fourth members.

6. (Original) The system of claim 5, wherein each of said distractor mechanisms is attachable to said portion of said third and fourth members lying in said first plane.

7. (Original) The system of claim 1, wherein said angle is about 30 degrees.

8. (Currently Amended) The system of claim 1, further comprising a pair of distractor mechanisms each mountable to ~~an~~ respective anchors engageable to a respective one of adjacent vertebrae of the patient, said distractor mechanisms each further being attachable to said first portion of said frame.

9. (Original) The system of claim 8, wherein said distractor mechanisms each include an anchor extension removably engageable to said anchor.

10. (Original) The system of claim 9, wherein said distractor mechanisms each include a retractor portion positionable about a respective one of said anchor extensions.

11. (Original) The system of claim 10, wherein said retractor portion includes a tissue contacting surface along one side thereof and a receptacle along an opposite side thereof, said receptacle being configured to capture said anchor extension therein.

12. (Original) The system of claim 11, wherein said receptacle is formed between a pair of arms projecting from and extending along said opposite side of said retractor portion.

13. (Original) The system of claim 11, wherein said retractor portion includes a socket portion at a distal end thereof adapted to fixedly mount said retractor portion to said anchor.

14. (Original) The system of claim 8, wherein said anchor is a multi-axial screw.

15. (Original) The system of claim 1, wherein in an operative position said first portion of said frame is adapted to lie along the posterior side of the spine and said second portion is adapted to lie along a posterior-lateral side of the spine.

16. (Currently Amended) The system of claim 15, wherein in said operative position a first one of said retractors is attachable to said first portion and is positionable adjacent the spinal mid-line, and a second one of said number of retractors is positionable in a posterior-lateral orientation relative to the spine.

17. (Currently Amended) A surgical instrumentation system to provide a surgical approach to a patient's spine, comprising:

first and second anchors engageable to first and second vertebrae of the spine;

a frame lying in at least one plane;

a retractor attachable to said frame, said retractor including a blade portion extending transversely to said at least one plane, said blade portion including a tissue contacting surface adapted to contact and retract tissue from the surgical approach;

a first distractor mechanism attachable to said frame and extending transversely to said at least one plane, said first distractor mechanism including a distal end engageable to said first anchor with said first distractor mechanism in pivotal relation to the first vertebra when said first anchor is engaged with the first vertebra; and

a second distractor mechanism attachable to said frame and extending transversely to said at least one plane, said second distractor mechanism including a distal end engageable to said second anchor; and

~~further comprising~~ at least one adjustment mechanism engageable with ~~engaged to~~ at least one of said first and second distractor mechanisms, wherein said at least one adjustment mechanism includes a shaft having a distal end pivotally coupled with said at least one of said first and second distractor mechanisms at a pivoting coupling location adjacent a proximal end of

said at least one distractor mechanism, said shaft extending away from said pivoting coupling location toward said frame and into a clamping device movable along said frame, the clamping device ~~and~~-operable to clampingly engage said adjustment mechanism to said frame.

18. (Original) The system of claim 17, wherein said first and second anchors are multi-axial screws.

19. (Original) The system of claim 18, wherein said multi-axial screws include a shank portion threadingly engageable to respective ones of the first and second vertebra and a yoke pivotally attached to said threaded shank.

20. (Original) The system of claim 19, wherein each of said first and second distractor mechanisms includes a socket portion at a distal end thereof adapted to fixedly engage said yoke of a respective one of said first and second anchors with said yoke remaining pivotal relative to said threaded shank.

21. (Original) The system of claim 17, wherein said first and second distractor mechanisms are each attachable to said frame to fix said first and second distractor mechanisms in position relative to the first and second vertebrae, respectively.

22. (Previously Presented) The system of claim 21, wherein said at least one adjustment mechanism includes first and second adjustment mechanisms coupled to respective ones of said first and second distractor mechanisms, said adjustment mechanisms each including

a first condition in locking engagement with said respective distractor mechanism to fixedly secure said distractor mechanism relative to said frame and the respective one of the first and second vertebrae, said adjustment mechanisms further each including a second condition in pivotal engagement with said respective distractor mechanism to permit said distractor mechanism to pivot relative to said frame.

23. (Original) The system of claim 22, further comprising first and second clamping devices mounted to said frame and releasably engageable to respective ones of said adjustment mechanisms.

24. (Original) The system of claim 23, further comprising a third adjustment mechanism coupled to said retractor, said third adjustment mechanism including a first condition in locking engagement with said retractor to fixedly secure said retractor relative to said frame, said third adjustment mechanism including a second condition in pivotal engagement with said retractor to permit said retractor to pivot relative to said frame.

25. (Original) The system of claim 24, further comprising a third clamping device mounted to said frame and releasably engageable to said third adjustment mechanism.

26. (Currently Amended) The system of claim 22, wherein said adjustment mechanisms each include:

an adjustment handle;

~~said shaft comprises a portion of~~ a shaft assembly extending from said adjustment handle  
and including said shaft; and

an engagement member at an end of said shaft assembly opposite said adjustment handle.

27. (Original) The system of claim 26, wherein said engagement member includes a number of teeth configured to selectively interdigitate and lockingly engage a number of teeth provided adjacent a proximal end of said distractor mechanism, said number of teeth engaging one another along concave-convex pivot path of said distractor mechanism.

28. (Original) The system of claim 27, wherein said shaft assembly includes an outer shaft and an inner shaft movably positioned within said outer shaft, said engagement member extending from a distal end of said inner shaft.

29. (Currently Amended) The system of claim 28, wherein said adjustment handle is linked with said inner shaft, said adjustment handle being rotatable to non-rotatably and linearly advance ~~move~~ said inner shaft and said engagement member between said first condition and said second condition.

30. (Currently Amended) The system of claim 27, wherein said adjustment mechanism includes a pair of plates at a distal end thereof, and each of said distractor mechanism includes a pair of proximal flanges pivotally coupled to said pair of plates.

31. (Currently Amended) The system of claim 30, wherein:

each flange of said pair of proximal flanges ~~each~~ includes an arcuate slot defining a pivot path of the respective said distractor mechanism;

said engagement member includes a slot extending along a longitudinal axis of said shaft assembly; and

said adjustment mechanism further comprises a roller pin coupled between said pair of plates and extending through said slot of said engagement member and said arcuate slots of said pair of flanges of said distractor mechanism.

32. (Original) The system of claim 17, wherein each of said distractor mechanisms includes an anchor extension removably engageable to said respective one of said first and second anchors and a retractor portion including a receptacle to removably receive said anchor extension therein.

33. (Original) The system of claim 32, further comprising a coupling member removably engageable to a proximal end of said anchor extension to capture said retractor portion on said anchor extension.

34. (Original) The system of claim 32, wherein said retractor portion includes a first side defining a tissue contacting surface and an opposite second side, said retractor portion further including a pair of arms extending from said second side defining said receptacle therebetween.



35. (Original) The system of claim 34, wherein said anchor extension is substantially cylindrical.

36. (Currently Amended) The system of claim 17, further comprising a second retractor attachable to said frame generally opposite said retractor.

37. (Original) The system of claim 36, wherein said retractor includes a blade portion defining a substantially flat tissue contacting surface extending along a longitudinal axis of said blade portion, and said second retractor includes a blade portion defining a concave tissue contacting surface extending along a longitudinal axis of said second retractor.

38. (Original) The system of claim 37, wherein said frame includes a first portion lying in a first plane and a second portion lying in a second plane that is transversely oriented to the first plane.

39. (Original) The system of claim 38, wherein said retractor is attachable to said first portion and said second retractor is attachable to said second portion.

40. (Original) The system of claim 39, wherein said first and second distractor mechanisms are attachable to said first portion of said frame.

41. (Currently amended) A surgical instrumentation system to provide a surgical approach to a patient's spine, comprising:

first and second anchors engageable to respective ones of first and second vertebrae of the spine;

a frame includes a first portion lying in a first plane and a second portion lying in a second plane forming an angle with said first plane ~~lying in at least one plane;~~

first and second distractor mechanisms each moveable along said frame and attachable to said frame at a selected position along said frame while extending transversely to said at least one plane, said first and second distractor mechanisms each including a distal end engageable to a respective one of said first and second anchors; and

first and second adjustment mechanisms coupled to respective ones of said first and second distractor mechanisms adjacent a proximal end of said respective distractor mechanism, said adjustment mechanisms each including a first condition in locking engagement with said respective distractor mechanism to fixedly secure said distractor mechanism relative to said frame, said adjustment mechanisms further each including a second condition unlocked from said distractor mechanism ~~in pivotal engagement with said respective distractor mechanism~~ to permit proximal ends of said distractor mechanisms to pivot relative to said respective first and second anchors engaged to said distal end thereof and with said proximal ends of said distractor mechanisms movable toward and away from said frame.

42. (Original) The system of claim 41, further comprising a retractor attachable to said frame in a location along said frame between said first and second distractor mechanisms.

43. (Original) The system of claim 42, wherein said retractor includes a blade portion extending transversely to said at least one plane, said blade portion including a tissue contacting surface adapted to contact and retract tissue from the surgical approach.

44. (Original) The system of claim 41, wherein said first and second distractor mechanisms are coupled to said respective ones of said first and second anchors in pivotal relation to respective ones of the first and second vertebrae when said first and second anchors are engaged with respective ones of the first and second vertebrae and said adjustment mechanisms are in said second condition.

45. (Original) The system of claim 44, wherein said first and second anchors are multi-axial screws.

46. Cancelled.

47. (Currently Amended) The system of claim 41 [46], further comprising a first retractor attachable to said first portion and a second retractor attachable to said second portion opposite said first retractor, said first and second retractors being positionable along said frame between said first and second distractor mechanisms.

48. (Original) The system of claim 47, wherein said first and second distractor mechanisms are attachable to said first portion of said frame.

49-56 Cancelled.

57. (Previously presented) A surgical instrumentation system to provide a surgical approach to a patient's spine, comprising:

first and second anchors engageable to first and second vertebrae of the spine;

a frame lying in at least one plane;

a retractor attachable to said frame, said retractor including a blade portion extending transversely to said at least one plane, said blade portion including a tissue contacting surface adapted to contact and retract tissue from the surgical approach;

a first distractor mechanism attachable to said frame and extending transversely to said at least one plane, said first distractor mechanism including a distal end engageable to said first anchor with said first distractor mechanism in pivotal relation to the first vertebra when said first anchor is engaged with the first vertebra;

a second distractor mechanism attachable to said frame and extending transversely to said at least one plane, said second distractor mechanism including a distal end engageable to said second anchor with said second distractor mechanism in pivotal relation to the second vertebra when said second anchor is engaged with the second vertebra, wherein said first and second distractor mechanisms are each attachable to said frame to fix said first and second distractor mechanisms in position relative to the first and second vertebrae, respectively;

first and second adjustment mechanisms coupled to respective ones of said first and second distractor mechanisms, said adjustment mechanisms each including a first condition in locking engagement with said respective distractor mechanism to fixedly secure said distractor mechanism relative to said frame and the respective one of the first and second vertebrae, said adjustment mechanisms further each including a second condition in pivotal engagement with

said respective distractor mechanism to permit said distractor mechanism to pivot relative to said frame, wherein said adjustment mechanisms each include:

an adjustment handle;

a shaft assembly extending from said adjustment handle, said shaft assembly including an outer shaft and an inner shaft movably positioned within said outer shaft; and

an engagement member at an end of said shaft assembly opposite said adjustment handle, said engagement member extending from a distal end of said inner shaft and including a number of teeth configured to selectively interdigitate and lockingly engage a number of teeth provided adjacent a proximal end of said distractor mechanism, said number of teeth engaging one another along concave-convex pivot path of said distractor mechanism, wherein said adjustment handle is linked with said inner shaft, said adjustment handle being rotatable to move said inner shaft and said engagement member between said first condition and said second condition.

58. (Previously presented) A surgical instrumentation system to provide a surgical approach to a patient's spine, comprising:

first and second anchors engageable to first and second vertebrae of the spine;

a frame lying in at least one plane;

a retractor attachable to said frame, said retractor including a blade portion extending transversely to said at least one plane, said blade portion including a tissue contacting surface adapted to contact and retract tissue from the surgical approach;

a first distractor mechanism attachable to said frame and extending transversely to said at least one plane, said first distractor mechanism including a distal end engageable to said first

anchor with said first distractor mechanism in pivotal relation to the first vertebra when said first anchor is engaged with the first vertebra;

a second distractor mechanism attachable to said frame and extending transversely to said at least one plane, said second distractor mechanism including a distal end engageable to said second anchor with said second distractor mechanism in pivotal relation to the second vertebra when said second anchor is engaged with the second vertebra, wherein said first and second distractor mechanisms are each attachable to said frame to fix said first and second distractor mechanisms in position relative to the first and second vertebrae, respectively;

first and second adjustment mechanisms coupled to respective ones of said first and second distractor mechanisms, said adjustment mechanisms each including a first condition in locking engagement with said respective distractor mechanism to fixedly secure said distractor mechanism relative to said frame and the respective one of the first and second vertebrae, said adjustment mechanisms further each including a second condition in pivotal engagement with said respective distractor mechanism to permit said distractor mechanism to pivot relative to said frame, wherein said adjustment mechanisms each include:

an engagement member at a distal end thereof including a number of teeth configured to selectively interdigitate and lockingly engage a number of teeth provided adjacent a proximal end of said distractor mechanism, said number of teeth engaging one another along concave-convex pivot path of said distractor mechanism; and

a pair of plates at said distal end of said adjustment mechanism and said distractor mechanism includes a pair of proximal flanges pivotally coupled to said pair of plates.

59. (Currently Amended) The system of claim 58, wherein:  
  
    each flange of said pair of proximal flanges ~~each~~ includes an arcuate slot defining a pivot path of the respective said distractor mechanism;  
  
    said engagement member includes a slot extending along a longitudinal axis; and  
  
    said adjustment mechanism further comprises a roller pin coupled between said pair of plates and extending through said slot of said engagement member and said arcuate slots of said pair of flanges of said distractor mechanism.

60. (Currently Amended) The system of claim 58, further comprising a second retractor attachable to said frame generally opposite said retractor.

61. (Previously presented) The system of claim 60, wherein said retractor includes a blade portion defining a substantially flat tissue contacting surface extending along a longitudinal axis of said blade portion, and said second retractor includes a blade portion defining a concave tissue contacting surface extending along a longitudinal axis of said second retractor.

62. (Previously presented) The system of claim 61, wherein said frame includes a first portion lying in a first plane and a second portion lying in a second plane that is transversely oriented to the first plane.

63. (Previously presented) The system of claim 62, wherein said retractor is attachable to said first portion and said second retractor is attachable to said second portion.

64. (Previously presented) The system of claim 63, wherein said first and second distractor mechanisms are attachable to said first portion of said frame.